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# Introduction Session 5: Canada and U.S Approaches to the Movement of People

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## SESSION 5: CANADA AND U.S. APPROACHES TO THE MOVEMENT OF PEOPLE.

### INTRODUCTION

*James Phillips*

It is a very great pleasure to be back with you again this year. I had the pleasure last year of speaking on the border and the second presentation on Canada and what was going on the western end of our two great countries.

I think to set the stage, a border is all about the movement of people, goods, investment, services, intellectual property between two countries for legal and low risk – the more seamless, the better. Kind of an overview of how to achieve security and at the same time facilitate low risk, known legal people, goods, and other things.

Our two countries have a unique relationship, and I just have a quick story – true story. Detroit policeman was doing a community presentation at a Detroit shopping center, had his police car, all his equipment, and he was showing the community, the children, the residents, and he noticed a young boy about seven years old with no hair. And he spoke to the mother and said is your son ill, and she said yes, he has a very serious cancer condition. She was from Windsor. The policeman took the young lad that day to the shopping mall, gave him a police shirt, whistle, all kinds of things. The boy subsequently, when going through his treatments, which were very painful, wore the police shirt to say I am going to be as brave as that policeman. The policeman had young children about the same age, and he connected with that young boy.

It is now two years later. The boy is in remission and the relationship, he has had him to the police station and takes him for a ride in the car when the mayor and the rest permit. So just a story of the reality, that's two different countries side by side who at the border issues spend as much time with their family, friends, and make connections.

That connection was as strong as between Detroit and Southgate, Michigan, which are just two cities side by side on the U.S. side. So it tells about the importance of moving people and the ability of people to interact.

We do have a family interrelated relationship, and it is very important. Let me set the stage, also talking about the 2004 experience to sort of pick up from what we talked about last year and then into the importance of legal immigration and the critical importance of moving people.

Last year at our borders – the United States – 13,000 people presented documents that they were U.S. citizens, and they were not. 73,000 people presented false counterfeit documents that were found. 600,000 people were refused entry for one reason or another, either at our consulate offices or at the border.<sup>1</sup> 1.1 million illegal Mexicans were intercepted,<sup>2</sup> and the border patrol admits they probably catch one of four so it is a very serious problem.

There are 10 to 13 million illegals in the United States,<sup>3</sup> and that's one in three Canadians if you think about that – 30 million Canadians<sup>4</sup> and the equivalent of about 1 in 3. It is a very serious problem. We have to be very careful and hope it doesn't affect the importance of legal immigration and the people that built our country in the history of both Canada and the United States.

There were 400 terrorists or serious security risks that were apprehended at the U.S.-Canada borders, airports, seaports, and land borders last year. And the most important thing I think to bring across, you ask about the changes and identity and having a good travel document, in 2003 there were 400,000 hits from people that prevented themselves from entering the United States. That means a hit is on some criminal or civil database.

They were wanted for pay father – payment of father payments or bench warrants, both civil and criminal. With the advent of U.S. Visit, which was introduced early in '04 and other programs, the hits were 1.1 million in the last 12 months, tripled from the year before.

That means we were able to better identify who was coming into the country and whether they should be admitted or not. So these are the kind of statistics that I thought I should mention just to set the stage.

Canada has led a very effective offshore interdiction program for the last five years. CBSA officers are in 35 countries,<sup>5</sup> and they have intercepted 71 percent of inadmissible people trying to enter Canada before they physically get to the border, and I know that Catherine is going to talk about the two sides of that.

There is a good side, and there is, of course, an element that found that to be very legal people who find that a problem. But it is just to set the stage of what we are about. Recently, Commissioner Bonner testified that the border patrol in the United States was essentially overwhelmed on the southern bor-

<sup>1</sup> Philip O'Connor, *A Border Apart*, ST. LOUIS DISPATCH (MO), May 2, 2005 at A1

<sup>2</sup> Mimi Hall, *Chertoff Outlines Border Security Plan*, USA TODAY, Nov. 3, 2005 at 03A.

<sup>3</sup> See generally Sylvia Moreno, *Flow of Illegal Immigrants to U.S. Unabated*, WASHINGTON POST, Mar. 22, 2005 at A02.

<sup>4</sup> Central Intelligence Agency, *World Factbook, Canada*, available at <http://www.cia.gov/cia/publications/factbook/geos/ca.html#People> (Nov. 1, 2005).

<sup>5</sup> See generally Canadian Border Services Agency, *About the CBSA*, <http://www.cbsa-asfc.gc.ca/agency/menu-e.html> (May 25, 2004).

der.<sup>6</sup> It was like bailing a leaking ship, quote unquote, in the last week or two.

It is very serious, and you have seen some recent articles in the Canadian press about the comments of the Canadian ability to protect their borders in some areas between border stations. So with all of that, that's why you are getting a lot of news. It is always the scary part – the negatives – the things that are reported.

Today we are here to talk about legal immigration and the critical importance side by side of the two countries and the differences and the similarities. I am very honored uniquely today, because I sit between two very competent young ladies who are both very, very effective in their own careers and in their own areas.

Catherine flew in especially for this from Vancouver. She was recommended to me by a very good friend of mine – highly recommended – and I do appreciate Catherine's special effort to be here with us today and this afternoon.

On my left is Ellen Yost who is again a very prominent attorney in the United States. They are both very successful and effective immigration experts, and I use that word experts not lightly, and we are very, very happy to have them with us.

So with no further ado, if I might, I would like to first introduce Ellen Yost on my left. She is a partner of Fragomen, Del Rey, Bernsen & Loewy. I don't do well with long names in New York. The firm's 150 lawyers practice exclusively in the area of business, immigration law through its 24 offices in the United States, Europe, and Asia.

Mrs. Yost practiced for many years in Buffalo although she now practices in New York City, and still concentrates her practice on Canadians doing business in the United States. She has chaired both the Canadian Law and the Immigration Law Committees of the Section of International Law of the American Bar Association and has served on the Council of the International Section.

She is a member of the New York and Brussels bars. Mrs. Yost currently represents the American Bar Association at the United Nations Economic and Social Council in Geneva. And in that capacity, she is assisting the new Global Commission on International Migration in Geneva.

And on my right is Catherine Sas, a graduate of the University of British Columbia. She has been practicing immigration law in Vancouver for the past 15 years, and I might say I saw her web site and material. It is a very, very established and large practice in Vancouver in the area of Western Can-

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<sup>6</sup> Ricardo Alonso-Zaldivar, *Customs Chief Robert Bonner to Step Down*, Los Angeles Times, Sept. 28, 2005 at Bus. Sec.

ada – the United States, reaching down into the West Coast of the United States in many, many different specialties and sectors.

She is most interested in satisfying the needs of individuals and families and professionals in their immigration requirements, and she is an active member of the Canadian Bar Association, past chair for the BC immigration law section of the Canadian Bar Association and national immigration law section.

Mrs. Sas has held numerous positions. Let me tell you, it was about three pages long, and I am not going to repeat it in the interest of time. She is a very accomplished and effective attorney and expert in this field.

So with no further ado, I would ask Catherine to give us the view from the north on the Canadian, of the ability to move people in between Canada and the United States.